THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25780 of 2007

Between:

Mutyala Trinadha Rao.

.. PETITIONER

and

The Revenue Divisional Officer and another.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25780 of 2007

ORDER:

It is the case of the petitioner that pattadar pass books and title deeds

have been issued in his favour in respect of the land admeasuring Ac.3-05 cents in R.S.No.438/1, R.S.No.439/1 and R.S.No.439/3 respectively situated at Cheyyeru Village, Katrinikona Mandal, East Godavari District, pursuant to the Sale Deed obtained by him on 10-12-1985. It is stated that the said land is not an assigned land or the Government land but it is a patta land. It is further stated that when the 2nd respondent made an attempt to interfere with the peaceful possession and enjoyment of the property on 08-10-2007, a legal notice was issued to the 2nd respondent on 10-10-2007. Inspite of the said legal notice, the 2nd respondent is trying to interfere with the peaceful possession and enjoyment of the land admeasuring Ac.1-79 cents in R.S.No.438/1 situated at Cheyyeru Village, Katrinikona Mandal, East Godavari District.

I am not inclined to express any opinion as to whether the land in question is an assigned land or not and even it is an assigned land, the petitioner cannot be evicted from the land in question without following due procedure prescribed under A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. Even, if the land in question is a Government land, the petitioner cannot be evicted from the land in question without following due procedure prescribed under the A.P.Land Encroachment Act, 1905.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 2nd respondent not to dispossess the petitioner from the land admeasuring Ac.1-79 cents in R.S.No.438/1 situated at Cheyyuru Village, Katrinikona Mandal, East Godavar District, without following due process of law. There shall be no order as to costs.

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07-12-2007

Note:
Issue C.C. by monday
(B/o)
Prv